

REMARKS

In response to the Official Action of December 12, 2007, regarding the Office's rejection of claims 15-16, 19-20, 30 and 47-48 as being anticipated by Lupien (US Patent No. 6006091), the Applicant makes the following supplemental remarks to further distinguish the Applicant's invention from Lupien.

Lupien discloses a method in a cellular telecommunications network of informing the network of a plurality of operating capabilities of a mobile terminal, wherein the method comprises with the steps of entering an access (intermediate) state at the mobile terminal, then transmitting a message from the network to the mobile terminal requesting the mobile terminal to transmit information regarding the operating capabilities of the mobile terminal and lastly transmitting a capability report from the mobile terminal to the network (Lupien, Abstract, Figure 1, and Claim 1). The capability report is returned from the mobile terminal in response to a capabilities request message sent to the mobile terminal (Lupien, Column 6, Lines 30-31). Thus, it is clear that in the invention of Lupien, it is essential that the network transmits a capability request message to the terminal before that terminal can transmit a message informing the network of those capabilities.

This is distinguished from the current invention disclosed in independent method claim 15, which does not require such a message to be sent to the terminal requesting the terminal's capabilities. Claim 15 recites "A method comprising informing a terminal's capabilities...to said wireless communication system in order to enable the wireless communication system to deduce on the basis of the informed data whether the terminal is capable of receiving the service or not." The claim does not recite a network transmitting a request for said informing. In the method of claim 15, the terminal informs the system of its capabilities without first receiving a request from a network. Thus, the method of claim 15 is simpler than that disclosed by Lupien because it does not require the additional step of sending a message from the network to the terminal requesting the terminal's capabilities.

Furthermore, in the invention of Lupien, if a capability request message is received, the mobile terminal must first determine whether it is the mobile terminal the

message was intended for before the terminal can send a capabilities report (Lupien, Column 8, Lines 18-20, 59-60, and Column 9, Lines 33-35).

Because the method of claim 15 does not require that a capabilities request message be sent from a network to the terminals, the method is further simplified in comparison to Lupien because it does not require the additional action of a terminal determining whether it is the terminal the message was intended for.

Lupien also utilizes timers for controlling the process of sending capability requests and returning capability reports, when mobile terminals are in any of the intermediate states (Lupien, Column 8, Lines 32-44). Applicant's invention does not require such devices. The terminal's capability notification as set forth in claim 15 is sent upon detecting a Multimedia Broadcast/Multicast Service (MBMS). Thus, there is no need for timers to control this process (see applicant's Figure 8a and Detailed Description Section, Page 13, Lines 15-28). Therefore, claim 15 is further distinguished from Lupien for this reason.

As stated in the Response mailed on May 12, 2008, claim 15 comprises informing a terminal's capabilities for point-to-multipoint MBMS service reception while Lupien does not appear to be directed to point-to-multipoint MBMS service reception. Furthermore, Lupien clearly is directed to point-to-point communications, rather than point-to-multipoint communications. Support for this assertion can be found in both the specification and claims of Lupien (Lupien, Column 5, Lines 56-65, Column 7, Lines 43-49 and Claim 9)


It is therefore respectfully submitted that for the foregoing reasons, in addition to those stated in the Response on May 12, 2008 to the Official Action of December 12, 2007, independent method claim 15 is not anticipated by Lupien.

Independent apparatus claims 30 and 47 recite features similar to those set forth in method claim 15 and, for similar reasons, claims 30 and 47 are also believed to be not anticipated by Lupien.

Dependent claims 16, 19, 20 and 48 are also believed to be not anticipated by Lupien at least in view of such dependency.

The undersigned respectfully submits that no fee is due for filing this Supplemental Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,



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